

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

TROY LAMONT MOORE, SR.,
Plaintiff

: CIVIL ACTION NO. 14-3873

v.

;

LOUIS GIORLA, et al.,
Defendants

: JUDGE EDUARDO C. ROBRENO

FILED

MAR 30 2015

MICHAEL E. KUNZ
By _____ Dep. Clerk

MOTION FOR SANCTIONS

1. Pursuant to Fed.R.Civ.P. Rule 45 defendants failed to complied to subpoenas that are attached for deposition. Which was on Monday, March 2, 2015 at 10:00 am of defendant Walden. See, Exhibit 1, Exhibit 2, Exhibit 3, Exhibit 4 and Exhibit 5 that was served by plaintiff.

2. The court for the district where compliance is required must enforce this duty and impose an appropriate sanctions requested by plaintiff. Which may include lost earnings and reasonable attorney's fees on a party or attorney who fails to comply. The defendants dealine has expired for plaintiff to receive documents and evidence identified within the subpoenas to support plaintiff's testimony at deposition.

3. On Monday, January 16, 2015, transcript of deposition taken by and before Alexandra Alvarado, Professional Reporter and Notary Public, at Criminal Justice Center. 1301 Filbert Street. Philadelphia, Pa 19107. At deposition, the plaintiff requested for a postponement due to defendants non-compliance with Judge Robreno's Order regarding plaintiff's Motion to Compel for inspection of evidence consisting of the video footage, documents, repair reports and medical records to support his testimony at deposition. Plaintiff requested that defendants to contact Judge Robreno's chambers by telephone to ascertain subpoenas by the Clerk's Office for the following items:

(a) video footage, (b) cell repair reports, (c) medical records and (d) witnesses Chiles, Price, Sarah Siegal and Bob Rumick to testify at the deposition. See, Exhibit 5 N.T. 3 (pages 6 to 9) section 6-7.

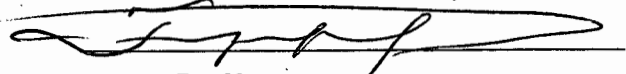
4. On Monday, February 16, 2015, plaintiff's family contacted Sargent's Court Reporting Service, Inc. to hire for the deposition for Monday, March 2, 2015 at 10:00 am to arrive at SCI-Forest. On Friday, February 18, 2015, plaintiff received a letter from defendant McGrogan's advising she will not comply to subpoena to be deposed.
5. Plaintiff instructed defendants and Alexandra Court Reporter at deposition to send a blank affidavit. Which would have stated, the transcript of plaintiff's testimony dated on Monday, January 16, 2015 and that the transcript of his testimony is accurate with the following corrections.
6. The defendants has failed to instructions in paragraph (6). Which is a violation pursuant to Fed.R.Civ.P. Rule 30 (e).

SOUGHT OF RELIEF

7. WHEREFORE, plaintiff seeks in sanctions for relief as to the following:

(1) Defendant Commission Louis Giorla in the amount of \$2,500.00, (2) Defendant Major Martin in the amount of \$2,500.00, (3) Defendant Margaret McGrogan, RN., in the amount of \$2,500.00 and (4) Defendants in the amount of \$900.00 for failing to comply to plaintiff's instructions in accordance to Fed.R.Civ.P. Rule 30 (e) and (6) plaintiff demand to receive sanctions for damages to be granted a video conference hearing on Monday, April 6, 2015 at 11:00 am.

RESPECTFULLY SUBMITTED,



Troy L. Moore
FE-2483
SCI-Forest
P.O. Box 945
Marienville, Pa 16239

Dated: 3-22-15

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

TROY LAMONT MOORE, SR.,
Plaintiff
:
:
v. : JUDGE EDUARDO C. ROBRENO
:
LOUIS GIORLA, et al.,
Defendants :

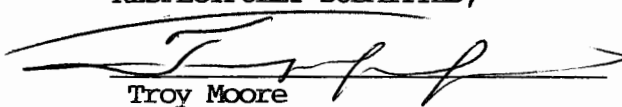
FILED
MAR 30 2015
MICHAEL E. KUNZ, Clerk
By _____ Dep. Clerk

CERTIFICATE OF SERVICE

I, Troy Moore, hereby certify that on March 22, 2015, I caused to be served a true and correct copy of the foregoing document titled Motion for Sanctions to the following:

Alan S. Gold
Attorney for Defendant
Margaret McGrogan, RN
261 Old York Road
Suite 526
Jenkintown, Pa 19046
Aaron Shotland, Esquire
City of Philadelphia Law Department
Civil Rights Unit
14th Floor
1515 Arch Street
Philadelphia, Pa 19102

RESPECTFULLY SUBMITTED,


Troy Moore
FE-2483
SCI-Forest
P.O. Box 945
Marienville, Pa 16239

Year	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011
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ERSA COURT REPORTERS
30 South 17th Street
United Plaza - Suite 1520
Philadelphia, Pennsylvania 19103
(215) 564-1233

TROY LAMONT MOORE, SR.

<p>6</p> <p>1 Q. How are you feeling today?</p> <p>2 A. Good. I would like to, if possible, make a</p> <p>3 short statement before we begin. So I'll wait until</p> <p>4 you're finished with instructions and then see if</p> <p>5 that's allowed.</p> <p>6 Q. You can say whatever you want. I'm done</p> <p>7 instructing you, so go ahead.</p> <p>8 A. Okay. I just have a short statement. On</p> <p>9 1/12/15 I forwarded both defendants' counsel a</p> <p>10 letter advising it is imperative for a postponement</p> <p>11 regarding this deposition on 1/16/15 at 2 o'clock at</p> <p>12 SCI Forest.</p> <p>13 On 1/12/15 I informed the Unit Manager of</p> <p>14 Childs and Counsellor Price the need to contact the</p> <p>15 defendants' counsel by phone. Both parties denied</p> <p>16 me access to contact the defendants' counsel</p> <p>17 regarding noncompliance with Judge Robreno's motion</p> <p>18 to compel for the inspection of evidence consisting</p> <p>19 of the video footage, documents, repair reports and</p> <p>20 medical records.</p> <p>21 On 1/12/15 I submitted inmate requests to</p> <p>22 staff member SCI Force Medical Department to obtain</p> <p>23 those medical records. On 1/13/15 Bob Rumsick (ph),</p> <p>24 medical records supervisor, denied my request to</p>	<p>8</p> <p>1 Q. How long have you been incarcerated at SCI</p> <p>2 Forest?</p> <p>3 A. Since April 1st of 2014.</p> <p>4 Q. Where did you reside prior to SCI Forest?</p> <p>5 A. At SCI Graterford.</p> <p>6 Q. How long were you at SCI Graterford?</p> <p>7 A. I believe less than six months.</p> <p>8 Q. So you would have arrived there some time</p> <p>9 around October or November of 2013?</p> <p>10 A. Correct.</p> <p>11 Q. Where did you reside prior to SCI</p> <p>12 Graterford?</p> <p>13 A. PICC Prison in Philadelphia.</p> <p>14 Q. When did you begin to reside at PICC?</p> <p>15 A. I was first incarcerated July 4th of 2012.</p> <p>16 Q. And from July 4th, 2012 to sometime in</p> <p>17 October or November of 2013 you were at PICC?</p> <p>18 A. I'm sorry -- I'm sorry, 2000 -- this is</p> <p>19 '15, last year is '14, '13. I'm sorry, 2013 I</p> <p>20 believe.</p> <p>21 Q. So you're saying you got to PICC on July</p> <p>22 4th, 2013?</p> <p>23 A. Actually, I was arrested then. It takes</p> <p>24 several days to get to the prison. So that's the</p>
<p>7</p> <p>1 inspect my medical records.</p> <p>2 In addition, the defendant's counsel, Aaron</p> <p>3 Shotland, has failed to forward any and all evidence</p> <p>4 for inspection per Judge Robreno's order to compel.</p> <p>5 At this time I would like to formally</p> <p>6 request the defendants contact Judge Robreno's</p> <p>7 chambers by phone to ascertain subpoenas for the</p> <p>8 following things: The video footages, cell repair</p> <p>9 reports, medical records and witnesses Childs,</p> <p>10 Price, Sara Segal and Bob Rumsick to testify at the</p> <p>11 deposition. Thank you.</p> <p>12 Q. Are you finished?</p> <p>13 A. Yes.</p> <p>14 Q. Okay. Thank you.</p> <p>15 Can you state and spell your name for the</p> <p>16 record?</p> <p>17 A. Troy Lamont Moore, T-R-O-Y, L-A-M-O-N-T,</p> <p>18 M-O-O-R-E, S-R.</p> <p>19 Q. What is your date of birth?</p> <p>20 A. 8/20/1972.</p> <p>21 Q. Where do you currently reside?</p> <p>22 A. At SCI Forest.</p> <p>23 Q. Do you know what town that's in?</p> <p>24 A. I do not.</p>	<p>9</p> <p>1 day I was arrested though.</p> <p>2 Q. Some time in July 2013 you began your</p> <p>3 incarceration at PICC; is that fair?</p> <p>4 A. Correct.</p> <p>5 Q. The incident that we're here for today,</p> <p>6 that occurred on September 16th, 2013?</p> <p>7 A. Correct.</p> <p>8 Q. Did you graduate from high school?</p> <p>9 A. Yes, I did.</p> <p>10 Q. Where did you attend high school?</p> <p>11 A. I attended high school at Bensalem High</p> <p>12 School in Bensalem, PA.</p> <p>13 Q. What year did you graduate?</p> <p>14 A. 1990.</p> <p>15 Q. Do you have any education beyond high</p> <p>16 school?</p> <p>17 A. I have an associates degree in business</p> <p>18 management.</p> <p>19 Q. Where did you obtain your associates</p> <p>20 degree?</p> <p>21 A. Ashworth College.</p> <p>22 Q. What year did you obtain your associates</p> <p>23 degree?</p> <p>24 A. 2006.</p>

3 (Pages 6 to 9)

AO 88A (Rev. 02/14) Subpoena to Testify at a Deposition in a Civil Action

UNITED STATES DISTRICT COURT

for the

Eastern District of Pennsylvania

Troy Lamont Moore

Plaintiff

v.

Civil Action No. 14-3873

Louis Giorla, Commissioner

Defendant

SUBPOENA TO TESTIFY AT A DEPOSITION IN A CIVIL ACTION

To: Louis Giorla, Commissioner

(Name of person to whom this subpoena is directed)

☒ **Testimony:** YOU ARE COMMANDED to appear at the time, date, and place set forth below to testify at a deposition to be taken in this civil action. If you are an organization, you must designate one or more officers, directors, or managing agents, or designate other persons who consent to testify on your behalf about the following matters, or those set forth in an attachment:

Place: SCI-Forest	Date and Time: March 2, 2015 at 10:00 am
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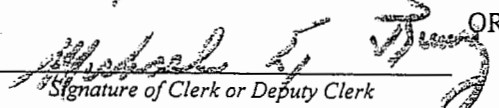
The deposition will be recorded by this method: Video Conference Audio

☒ **Production:** You, or your representatives, must also bring with you to the deposition the following documents, electronically stored information, or objects, and must permit inspection, copying, testing, or sampling of the material: **Video Footage, repair reports and medical records.**

The following provisions of Fed. R. Civ. P. 45 are attached – Rule 45(c), relating to the place of compliance; Rule 45(d), relating to your protection as a person subject to a subpoena; and Rule 45(e) and (g), relating to your duty to respond to this subpoena and the potential consequences of not doing so.

Date: 2-10-2015

CLERK OF COURT

 OR

Signature of Clerk or Deputy Clerk

Attorney's signature

The name, address, e-mail address, and telephone number of the attorney representing (name of party) _____
Troy Moore, FE-2483 SCI-Forest, P.O. Box 945, who issues or requests this subpoena, are:
Marienville, Pa 16239

Notice to the person who issues or requests this subpoena

If this subpoena commands the production of documents, electronically stored information, or tangible things before trial, a notice and a copy of the subpoena must be served on each party in this case before it is served on the person to whom it is directed. Fed. R. Civ. P. 45(a)(4).

AO 88A (Rev. 02/14) Subpoena to Testify at a Deposition in a Civil Action

UNITED STATES DISTRICT COURT

for the

Eastern District of Pennsylvania

Troy Lamont Moore

Plaintiff

v.

Louis Giorla, Commissioner

Defendant

Civil Action No. 14-3873

SUBPOENA TO TESTIFY AT A DEPOSITION IN A CIVIL ACTION

To: Major Martin

(Name of person to whom this subpoena is directed)

☒ **Testimony:** YOU ARE COMMANDED to appear at the time, date, and place set forth below to testify at a deposition to be taken in this civil action. If you are an organization, you must designate one or more officers, directors, or managing agents, or designate other persons who consent to testify on your behalf about the following matters, or those set forth in an attachment:

Place:

SCI-Forest

Date and Time:

March 3, 2015 at 10:00 am

The deposition will be recorded by this method: Video Conference Audio

☒ **Production:** You, or your representatives, must also bring with you to the deposition the following documents, electronically stored information, or objects, and must permit inspection, copying, testing, or sampling of the material: Video Footage, repair reports and medical records..

The following provisions of Fed. R. Civ. P. 45 are attached – Rule 45(c), relating to the place of compliance; Rule 45(d), relating to your protection as a person subject to a subpoena; and Rule 45(e) and (g), relating to your duty to respond to this subpoena and the potential consequences of not doing so.

Date: 2-10-2015

CLERK OF COURT

Signature of Clerk or Deputy Clerk

OR

Attorney's signature

The name, address, e-mail address, and telephone number of the attorney representing (name of party)

Troy Moore, FE-2483, SCI-Forest, P.O. Box 945

Marienville, Pa 16239

, who issues or requests this subpoena, are:

Notice to the person who issues or requests this subpoena

If this subpoena commands the production of documents, electronically stored information, or tangible things before trial, a notice and a copy of the subpoena must be served on each party in this case before it is served on the person to whom it is directed. Fed. R. Civ. P. 45(a)(4).

AO 88A (Rev. 02/14) Subpoena to Testify at a Deposition in a Civil Action

UNITED STATES DISTRICT COURT

for the

Eastern District of Pennsylvania

Troy Lamont Moore

Plaintiff

v.

Louis Giorla, Commissioner

Defendant

Civil Action No. 14-3873

SUBPOENA TO TESTIFY AT A DEPOSITION IN A CIVIL ACTION

To: Margaret McGrogan, RN Medical Nurse..

(Name of person to whom this subpoena is directed)

☒ **Testimony:** YOU ARE COMMANDED to appear at the time, date, and place set forth below to testify at a deposition to be taken in this civil action. If you are an organization, you must designate one or more officers, directors, or managing agents, or designate other persons who consent to testify on your behalf about the following matters, or those set forth in an attachment:

Place:

SCI-Forest

Date and Time:

March 5, 2015 at 10:00 am

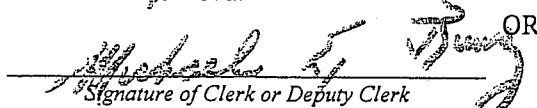
The deposition will be recorded by this method: Video Conference Audio

☒ **Production:** You, or your representatives, must also bring with you to the deposition the following documents, electronically stored information, or objects, and must permit inspection, copying, testing, or sampling of the material: Medical records..

The following provisions of Fed. R. Civ. P. 45 are attached – Rule 45(c), relating to the place of compliance; Rule 45(d), relating to your protection as a person subject to a subpoena; and Rule 45(e) and (g), relating to your duty to respond to this subpoena and the potential consequences of not doing so.

Date: 2-10-2015

CLERK OF COURT



Signature of Clerk or Deputy Clerk

OR

Attorney's signature

The name, address, e-mail address, and telephone number of the attorney representing (name of party)

Troy Moore, FE-2483 SCI-Forest, P.O. Box 945

Mrienville, Pa 16239

, who issues or requests this subpoena, are:

Notice to the person who issues or requests this subpoena

If this subpoena commands the production of documents, electronically stored information, or tangible things before trial, a notice and a copy of the subpoena must be served on each party in this case before it is served on the person to whom it is directed. Fed. R. Civ. P. 45(a)(4).

Inmate Name Tony L. Moore SR DC# FE2483
Housing Unit: AB2063
SCI Forest
PO Box 945
Marienville, PA 16239

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